

Los Angeles County Sheriff's Department

Audit and Accountability Bureau



INMATE GRIEVANCES AGAINST STAFF AUDIT

CUSTODY SERVICES DIVISION –
GENERAL POPULATION –
MEN'S CENTRAL JAIL
Project No. 2022-2-A



Alex Villanueva, Sheriff

May 24, 2022

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Audit and Accountability Bureau

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PURPOSE

The Audit and Accountability Bureau (AAB) conducted the Inmate Grievances Against Staff Audit – Men's Central Jail (MCJ) under the authority of the Sheriff of Los Angeles County. The audit was performed to determine how the Los Angeles County Sheriff's Department (Department) complied with the policies and procedures related to the processing, inquiry, and response to inmate grievances against staff. This audit satisfied, in part, the recommendations of the Citizens' Commission on Jail Violence (CCJV) and provisions related to the implementation plan of the *Rosas Settlement Agreement* (Agreement).¹

The AAB conducted this audit under the guidance of the Generally Accepted Government Auditing Standards.² The AAB determined the evidence obtained was sufficient and appropriate to provide a reasonable assurance for results based on the audit objectives.

BACKGROUND

In 2012, the Los Angeles County Board of Supervisors, responded to the *Rosas* federal class action lawsuit alleging the Department condoned a long-standing and widespread pattern of violence by deputies against inmates in the jails. The CCJV was convened to investigate these allegations. The civil action resulted in the Agreement and implementation plan which included recommendations addressing training, reporting, and tracking incidents involving uses of force as well as inmate requests and grievances. Prior to the Agreement, the Department collected, tracked, and addressed inmate grievances in a manner found to be insufficient by the CCJV.

As a result of the Agreement's recommendations, the Department's Inmate Grievance policy was revised resulting in the creation of Volume 8 of the Department's Custody Division Manual (CDM).³

¹ On September 26, 2014, the Sheriff of Los Angeles County entered into a Settlement Agreement regarding *Alex Rosas, et al. v. Leroy D. Baca*, Case No. CV 12-00428 DDP.

² United States Government Accountability Office, Government Auditing Standards, July 2018.

³ The CDM, Section 8-01/000.000, Preamble to the Inmate Grievance Policy (Non-Medical/Non-Mental Health), (July 2016), states the purpose of the inmate grievance policy is to establish and maintain a fair, objective and effective grievance process through which resolutions of inmate grievances are achieved at the lowest possible administrative level with timely responses to the aggrieved, and affording reasonable opportunities to appeal to the next level of review.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ

Project No. 2022-2-A

PRIOR AUDITS

This is the second Inmate Grievances Audit at MCJ conducted by AAB.

METHODOLOGY

Scope

This audit encompassed five main objectives regarding inmate grievances against staff:

- Objective No. 1 - Supervisor Responsibilities - To determine if the inmate grievance against staff alleging retaliation was documented on a memorandum to the respective Division Chief; if the grievance alleging a use of force led to a use of force investigation; if the grievance was assigned to a sergeant, who was not the employee against whom the grievance was directed nor the employee's direct supervisor.
- Objective No. 2 - Investigation - To determine if the aggrieved inmate interview was documented via audio or video in a private area (i.e. retaliation, use of force); if the grievance against staff rose to the level of an administrative or criminal investigation.
- Objective No. 3 - Notification to the Aggrieved Inmate - To determine if a written response was given to the aggrieved inmate within the mandatory time frame (15 calendar days from receipt); if the aggrieved inmate was notified of the interim status; if the aggrieved inmate was notified of an extension.
- Objective No. 4 - Inmate Grievance Package was forwarded to Discovery Unit- To determine if the completed grievance was forwarded to the Discovery Unit, within 60 days with the exception of force, or Internal Affairs and Internal Criminal Investigations Bureau investigations.
- Objective No. 5 - Appeal of Grievances Against Staff - To Determine if the respective unit commander or a designee performed the first level appeal and if the aggrieved inmate was notified within 15 days whether the first level appeal was upheld or denied. If second level appeal was submitted, was it reviewed by the respective division chief and if the aggrieved inmate was notified withing 15 days regarding the disposition.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ

Project No. 2022-2-A

Audit Time Period

The audit time period was July 1, 2021 through September 30, 2021.

Audit Population

Auditors conducted a query in the Custody Automated Reporting and Tracking System (CARTS) and identified a total of 28 inmate grievances against staff within the audit period. A total of 23 grievances were excluded from the population because they were duplicative of grievances already in progress and one was an allegation against Los Angeles Police Department personnel.

In addition, auditors identified eight grievances against staff that had been inaccurately classified as general grievances. This was identified during the Inmate Grievance General Audit (2022-1-A)⁴ which was simultaneously conducted.

Auditors combined the additional eight grievances with the remaining five grievances from the original CARTS query for a total of 13 inmate grievances against staff. All 13 inmate grievances against staff were evaluated to examine the different aspects of the five main objectives, which are described in the Audit Objectives and Results section of this report.

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⁴ The Inmate Grievance General Audit was performed to determine how the Los Angeles County Sheriff's Department (Department), MCJ complied with the policies and procedures related to the processing, inquiry, and response to inmate grievances, that do not involve complaints against staff.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

AUDIT OBJECTIVES AND RESULTS

Objective No. 1 - Supervisor Responsibilities

Objective No. 1(a) – To Determine if the Inmate Grievance Against Staff Alleging Retaliation was Documented on a Memorandum to the Respective Division Chief.

Criteria

Custody Division Manual, Section 8-03/050.00, Grievances of Retaliation (November 2018), states:

Upon receipt of an inmate grievance alleging retaliation, the watch commander shall conduct a preliminary assessment as to the nature of the allegation, ensure it is entered into the Custody Automated Reporting and Tracking System (CARTS), and document the allegation on a memorandum to the respective division chief, which shall be submitted to the unit commander of the involved facility for review...

Procedures

Auditors reviewed the 13 grievances against staff to determine if the grievances alleged retaliation. Eight grievances were excluded from this objective because they did not allege retaliation. Five grievances were evaluated for this objective. Auditors reviewed the grievance documentation in the MCJ shared files and CARTS system to determine if the grievances alleging retaliation were documented on a memorandum to the respective Division Chief.

Results

Three of the five (60%) grievances met the criteria for this objective. Two of the grievances did not meet the criteria because auditors did not locate a memorandum to the respective Division Chief.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

Objective No. 1(b) – To Determine if the Inmate Grievance Against Staff Alleging a Use of Force Led to a Use of Force Investigation.

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff (October 2018), states:

All inmate grievances involving allegations of force shall be entered into the electronic Line Operations Tracking System (e-LOTS) prior to the end of the shift in which the incident occurred or the allegation is received, tracked under Project Type "Alleged Use of Force" (refer to CDM section 4-01/025.05, "Electronic Line Operations Tracking System (e-LOTS)," and shall be investigated and resolved in accordance with the Department's existing use of force policies.

Audit Procedures

Auditors reviewed the 13 grievances against staff to determine if the grievances alleged a use of force incident. Twelve grievances were excluded from this objective because they did not allege a use of force incident. One grievance was evaluated for this objective. Auditors reviewed the grievance documentation in the MCJ shared files and CARTS system to determine if a use of force investigation was initiated.

Results

One (100%) grievance met the criteria for this objective.

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INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

Objective No. 1(c) – To Determine if the Inmate Grievance Against Staff was Assigned to a Sergeant, Who was Not the Employee Against Whom the Grievance was Directed Nor the Employee’s Direct Supervisor.

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff (October 2018), states:

SUPERVISOR RESPONSIBILITIES

...The watch commander, or other facility lieutenant, shall assign the grievance to a supervisor with the permanent rank of sergeant or above, who is not the employee against whom the grievance is directed, nor the employee’s direct supervisor...

Procedures

Auditors reviewed the 13 grievances against staff to determine if the grievances were assigned to a sergeant, who was not the employee against whom the grievance was directed nor the employee’s direct supervisor. Three grievances were excluded from this objective because the aggrieved inmate did not name or identify the alleged employee. Ten grievances were evaluated for this objective. Auditors reviewed the grievance memorandums, shift in-services and CARTS to determine if the grievances were assigned to a sergeant, in accordance with Department policy.

Results

Eight of the 10 (80%) grievances met the criteria for this objective. Two grievances did not meet the criteria. One grievance was reviewed by a supervisor against whom the grievance was directed, and the other was reviewed by a Custody Assistant assigned to the Grievance Team.

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**INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A**

Objective No. 2 - Investigation

Objective No. 2(a) – To Determine if the Aggrieved Inmate Interview was Documented via Audio or Video in a Private Area.

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff (October 2018), states:

SUPERVISOR RESPONSIBILITIES

The assigned supervisor shall initiate a comprehensive inquiry which shall include interviewing the aggrieved inmate and gathering any relevant documents and/or evidence. It is important the comprehensive inquiry be conducted as soon as practicable to capture information and/or evidence while it is still fresh and/or available. An interview of the aggrieved inmate shall be conducted in a private area, and shall be recorded using either audio or video media, as part of the inquiry of any grievance against staff with a serious allegation (e.g., use of force, retaliation, etc.), or at the watch commander's discretion.

Procedures

Auditors reviewed the 13 grievances against staff to determine if the aggrieved inmate interviews were documented via audio or video. Auditors reviewed the grievance memorandums, MCJ shared files and CARTS to determine if the aggrieved inmate interviews were documented via audio or video.

Results

Five of the 13 (38%) grievances met the criteria for this objective. Eight grievances did not meet the criteria because there was no audio or video of the inmate interview.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

Objective No. 2(b) – To Determine if the Inmate Grievance Against Staff Rose to the Level of an Administrative or Criminal Investigation.

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff (October 2018), states:

UNIT COMMANDER RESPONSIBILITIES

Determination of Course of Action

The concerned unit commander is responsible for evaluating each inmate grievance against staff to determine the appropriate course of action. The validity of the allegations, the nature and seriousness of the allegation(s), the potential for employee discipline, and the concerned employee's performance history are potential factors to consider in the evaluation. Depending on the circumstances, the following courses of action should be considered by the unit commander:

- *Request the Internal Investigation Bureau (IAB) conduct an administrative investigation.*
- *Request the Internal Criminal Investigation Bureau (ICIB) conduct a criminal investigation if there is reason to believe a crime has been committed.*

Audit Procedures

Auditors reviewed the 13 grievances against staff to determine if the grievances rose to the level of an administrative or criminal investigation.

Results

Upon review of the grievance memorandums and/or use of force memorandums, auditors determined the grievances did not rise to the level of an administrative or criminal investigation. Therefore, none were evaluated for this sub-objective.

**INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A**

Objective No. 3 - Notification to the Aggrieved Inmate

Objective No. 3(a) - To Determine if a Written Response was Provided to the Aggrieved Inmate Within the Mandated Time Frame.

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff, (October 2018), states:

UNIT COMMANDER RESPONSIBILITIES

Required Notification to the Aggrieved Inmate

The aggrieved inmate shall be provided with a response within fifteen (15) days of the Department's receipt of the grievance. This response shall consist of either the result of grievance, or a notification that the Department is unable to complete the investigation within fifteen (15) days, and has therefore initiated an extension or placed the grievance in an interim status...

Procedures

Auditors reviewed the 13 grievances against staff to determine if a written response was provided to the aggrieved inmate within the mandated time frame. Auditors reviewed CARTS to determine if a written response was given to the aggrieved inmate within 15 days of the Department's receipt of the grievance.

Results

Twelve of the 13 (92%) grievances met the criteria for this objective. One grievance did not contain a written response to the aggrieved inmate within 15 days, and therefore did not meet the criteria.

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**INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A**

Objective No. 3(b) - To Determine if the Aggrieved Inmate was Notified of the Interim Status regarding the Grievance.

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff (October 2018), states:

UNIT COMMANDER RESPONSIBILITIES

Required Notification to the Aggrieved Inmate

In cases where the Department has provided the inmate with an Extension Notification or Interim Status Notification, the aggrieved inmate must be notified of the results of the investigation, within ten (10) calendar days of the unit commander's approval of the disposition; however, a notification of the disposition to the aggrieved inmate shall not be made regarding allegations of force or when an administrative or criminal investigation has been initiated until the entire process has been completed, including the Internal Affairs Bureau's review of administrative investigations. Once the review process has been completed for these types of investigations, the aggrieved inmate shall be notified of the results of the investigation, but not any discipline imposed, within ten (10) calendar days.

Procedures

Auditors reviewed the 13 grievances against staff to determine if the aggrieved inmate was notified of the interim status. Eleven grievances were excluded from this objective because they were not placed on interim status. Auditors reviewed CARTS and documents provided by MCJ personnel to determine if they notified the aggrieved inmates in accordance with policy.

Results

Both (100%) grievances met the criteria for this objective.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

Objective No. 4 – Inmate Grievance Package was forwarded to the Discovery Unit

Criteria

Custody Division Manual, Section 8-03/040.00, Grievances Against Staff, (October 2018), states:

UNIT COMMANDER RESPONSIBILITIES

With the exception of those grievances resulting in alleged force, administrative, or criminal investigations, the unit commander shall ensure the inmate grievance is completed and the original is forwarded to the Discovery Unit within sixty (60) days of receipt of the initial grievance.

Procedures

Auditors reviewed the 13 grievances against staff to determine if the completed investigations were forwarded to the Discovery Unit within 60 days of receipt of the initial investigation. One grievance was excluded from this objective because the grievance was categorized as a use of force. Auditors reviewed the Performance Recording and Monitoring System (PRMS)⁵ to determine the date the Discovery Unit received the completed investigations.

Results

None (0%) of the 12 grievances met the criteria for this objective. Four of the grievances were not forwarded to the Discovery Unit within 60 days of receipt of the initial grievance. The additional eight grievances were not accurately classified as against staff therefore not forwarded to the Discovery Unit.

⁵ The PRMS provides systematic recording of data relevant to incidents involving uses of force, shootings commendations/complaints (grievances) involving Department personnel.

**INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A**

Objective No. 5 – Appeal of Grievances Against Staff

Objective No. 5(a) – To Determine if The Respective Unit Commander or a Designee Performed the First Level Appeal and if the Aggrieved Inmate was Notified of the Disposition.

Criteria

Custody Services Division General Population Men’s Central Jail, Unit Order 5-12-000. Inmate Grievance Procedures (May 2021), states:

Appeal Process

First-Level Appeal Review

- First level appeals shall be reviewed by the respective unit commander, or a designee with a minimum rank of lieutenant. The inmate shall be advised, in writing, whether the appeal was upheld (granted) or denied, within fifteen (15) calendar days of the Department’s receipt of the appeal...

Procedures

Auditors reviewed the 13 grievances against staff to determine if the inmate was advised of the results, in writing, within 15 calendar days for first level appeals. Ten grievances were excluded from this objective because the aggrieved inmates did not file an appeal. Auditors reviewed CARTS and MCJ shared files to determine if MCJ personnel advised the aggrieved inmate in writing of the disposition.

Results

All 3 (100%) grievances met the criteria for this objective.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

Objective 5(b) – To Determine if the Second Level Appeal was Reviewed by the Respective Division Chief and if the Aggrieved Inmate was Notified of the Disposition.

Criteria

Custody Services Division General Population Men's Central Jail, Unit Order 5-12-000. Inmate Grievance Procedures (May 2021), states:

Appeal Process

Second-Level Appeal Review

- *If an inmate's first-level appeal is denied, or if the inmate is not satisfied with the action(s) taken to address the situation, they may submit another appeal. Second level appeals shall be reviewed by the respective area commander. The inmate shall be advised, in writing, whether the second appeal was upheld (granted) or denied, within fifteen (15) calendar days of the Department's receipt of the appeal...*

Procedures

Auditors reviewed the three grievances against staff from objective 5(a) to determine if the aggrieved inmate was advised of the results, in writing, within 15 calendar days for second level appeals.

Results

Upon review of the grievance documentation in CARTS auditors determined none of the grievances were appealed a second time by the aggrieved inmates. Therefore, none were evaluated for this sub-objective.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

SUMMARY OF AUDIT RESULTS

The audit yielded the following results:

Table No. 1 - Summary of Audit Results

Objective No.	AUDIT OBJECTIVES	Met the Criteria
1	Supervisor Responsibilities	
1(a)	<i>To determine if the inmate grievance against staff alleging retaliation was documented on a memorandum to the respective Division Chief.</i>	60%
1(b)	<i>To determine if the inmate grievance against staff alleging a use of force led to a use of force investigation.</i>	100%
1(c)	<i>To determine if the inmate grievance against staff was assigned to a sergeant, who was not the employee against whom the grievance was directed nor the employee's direct supervisor.</i>	80%
2	Investigation	
2(a)	<i>To determine if the aggrieved inmate interview was documented via audio or video in a private area.</i>	38%
2(b)	<i>To determine if the inmate grievance against staff rose to the level of an administrative or criminal investigation.</i>	N/A
3	Notification to the Aggrieved Inmate	
3(a)	<i>To determine if a written response was provided to the aggrieved inmate within the mandated time frame.</i>	92%
3(b)	<i>To determine if the aggrieved inmate was notified of the interim status.</i>	100%
4	Inmate Grievance Package was forwarded to the Discovery Unit	
4	<i>To determine if the completed investigation was forwarded to the Discovery Unit.</i>	0%
5	Appeal of Grievances Against Staff	
5(a)	<i>To determine if the respective unit commander or a designee performed the first level appeal and if the aggrieved inmate was notified of the disposition.</i>	100%
5(b)	<i>To determine if the second level appeal was reviewed by the respective Division Chief and if the aggrieved inmate was notified of the disposition.</i>	N/A

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ

Project No. 2022-2-A

OTHER RELATED MATTERS

Other related matters are pertinent issues discovered during the audit but were not objectives which were measurable against Department policies and procedures.

Inconsistent Exceptions to Timeliness Submission of Inmate Grievances

Auditors evaluated the inmate grievances to determine if completed investigations were forwarded to the Discovery Unit within 60 days of initial receipt as specified in the CDM, Section 8-03/040.00, Grievances Against Staff (October 2018). During the review, auditors noted four grievances that had an additional 15 day extension and/or a 30 day extension which were authorized by the Unit Commander.

According to the CDM, Section 8-04/040.05, Extensions (July 2016), this allows a facility/unit to extend the due date of the inmate grievance past the allotted 15 days. A supervisor of the minimum rank of sergeant may extend the grievance due date by an additional 15 days and the Unit Commander can approve any additional extensions.

Consequently, the approved extension of days exceeds the established 60 day timeframe to the Discovery Unit which inherently results in delays. As stated in Objective No. 4, four of the inmate grievances that did not meet the criteria, had authorized extensions.

Conflict Resolution Technique Offered

While auditors were reviewing the 13 grievances against staff, they observed that the "Conflict Resolution Technique Offered" section in CARTS were blank for eight grievances. These were the 8 grievances that were misclassified. The additional five grievances against staff were marked "No" but did not disclose a reason why the conflict resolution was not offered. Therefore, auditors were unable to evaluate if a Conflict Resolution Technique was offered to the aggrieved inmate or if the grievance did not qualify for a Conflict Resolution Technique based on the type of allegation (Use of Force, Retaliation or PREA).

Custody Division Manual, Section 8-04/020.00, states sergeants **are encouraged** to offer an aggrieved inmate a conflict resolution meeting with the employee(s) against whom he or she is complaining. However, the Conflict Resolution Technique Offered section in CARTS states Conflict Resolution Technique **shall be** offered for all grievances against staff regarding unprofessionalism and discourtesy.

As a result of this evaluation, auditors determined the MCJ would benefit if the section was properly filled out, allowing MCJ to track and monitor the number of conflict resolution techniques being offered to the aggrieved inmate.

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

CONCLUSION

Auditors performed analyses and made assessments to identify areas in need of improvement. The AAB considers the results of this audit to be a helpful management tool for all Department personnel. The evidence presented provides reasonable assurance that Department personnel are not strictly adhering to policies and procedures regarding the inmate grievance process at MCJ.

RECOMMENDATIONS

When Departmental policies and procedures are not adhered to, it results in an increased risk of liability and noncompliance with the agreement. Department management should disseminate the results of this audit to its personnel. Additionally, as best practice, Department management is encouraged to conduct recurring and ongoing briefings of the policies and procedures. The AAB considers the results of this audit to be a helpful management tool and therefore, makes the following recommendations:

1. It is recommended that the Department revise Custody Division Manual, Section 8-03/040.00, as it relates to the timely submission of forwarding the completed investigation to the Discovery Unit. (Objective No. 4 and Other Related Matters)
2. It is recommended that the Department resolve the discrepancy between the Custody Division Manual, Section 8-04/020.00, and the Conflict Resolution Technique Offered section in CARTS. (Other Related Matters)

INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

Views of Responsible Officials

On May 16, 2022, Custody Services Division command staff submitted a formal response to the AAB concurring with the audit results.

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INMATE GRIEVANCES AGAINST STAFF AUDIT - MCJ
Project No. 2022-2-A

This audit was submitted on this 24 day of May 2022, by the Audit and Accountability Bureau. A copy of the audit report was provided to the Office of the Inspector General.

Original signature on file at AAB

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